FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6854 OF 2003

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders.	: : : : :	Court's or Judge's Orders

Mr. V.N. Kantawala with Ms. Monika i/b M/s. Kantawala & Co. for the petitioner.

Mr. Niranjan Vaghela i/b. M/s. Pandya & Co. for the respondents.

CORAM: SMT. RANJANA DESAI, J.

DATED: 1ST MARCH, 2005.

P.C.:-

Heard the learned counsel for the parties.

By order dated 12/4/2001, the Small Causes Court appointed the Court Receiver, High Court, Bombay, as receiver of the suit property. An objection was raised that the receiver cannot be appointed unless and until the Chief Justice of the High Court grants permission. That order is challenged by the respondents in

Appeal No.501 of 2002 which is pending before the Division Bench of the Small Causes Court. Thereafter, the petitioner sought modification of the order dated 12/4/2001 by taking out Misc. Notice No.2010 of 2002. That notice has been discharged and, hence, the petitioner has come to this court. The notice has been discharged basically on the ground that the appeal carried from order dated 12/4/2001 is pending before the Division Bench of the Small Causes Court. There is no dispute about this fact.

In this petition, the petitioner is seeking modification of the said order dated 12/4/2001. The learned counsel for the petitioner states that all that is required to be done is to substitute the words "Court Receiver" by the words "Registrar or any subordinate officer of the Small Causes Court at Bombay".

In my opinion, since the Division Bench of the Small Causes Court is hearing Appeal No.501 of 2002, it should consider this prayer of the

petitioner while hearing the appeal and pass appropriate orders in accordance with law after hearing the parties.

Writ petition is disposed of in the aforestated terms.

All concerned to act on authenticated copy of this order.

(SMT. RANJANA DESAI, J.)